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Attorney for the plaintiff

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

JULIO ANTELO, an Individual,

Plaintiff,

vs.

DEPUY SYNTHES PRODUCTS, LLC;
DEPUY SYNTHES SALES, INC.; and DOES 1-
100, ROE Corporations I – X, inclusive,

Defendants.

Case No. 2:13-cv-01613-APG-GWF

**MOTION TO WITHDRAW AS
ATTORNEY OF RECORD**

COMES NOW Ryan A. Hamilton, Esq., of Hamilton Law, LLC, and pursuant to Nevada Rule of Professional Conduct (“NRPC”) 1.16, moves to withdraw as attorney for Plaintiff Julio Antelo. This motion is made and based upon the points and authorities and the Declaration of Ryan A. Hamilton (“Hamilton Declaration”) attached hereto and any oral argument the Court may entertain.

DATED this 9th day of July, 2014.

Respectfully submitted,

By: 

RYAN A. HAMILTON, ESQ.
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*Attorney for the plaintiff,
Julio Antelo*

**DECLARATION OF RYAN A. HAMILTON, ESQ.
IN SUPPORT OF MOTION TO WITHDRAW**

I, Ryan A. Hamilton, Esq., declare in support of this Motion to Withdraw as Attorney of Record, in the matter styled JULIO ANTELO vs. DEPUY SYNTHES PRODUCTS, LLC; and DEPUY SYNTHES SALES, INC., Case No. 2:13-cv-01613, filed in the United States District Court, District of Nevada:

1. I am an attorney duly licensed to practice and in good standing in Nevada, California, and Indiana. I am the owner and managing member of Hamilton Law, LLC since its founding in 2010.

2. I filed the instant product liability case on September 4, 2013. Pursuant to the Scheduling Order for this case, the discovery cut-off presently is December 22, 2014, the deadline for the filing of dispositive motions is January 21, 2015, and the Joint Pretrial Order is due February 20, 2015. (Dkt. No. 14).

3. During the course of my representation of the plaintiff, a fundamental disagreement between counsel and client as to the case has arisen. This disagreement is so fundamental that it prevents the undersigned from representing the plaintiff effectively. More importantly, the disagreement would prevent the plaintiff from obtaining the relief he seeks in this action if the undersigned were to continue as counsel.

POINTS AND AUTHORITIES

I.

**THE COURT SHOULD GRANT THIS MOTION TO WITHDRAW
BECAUSE GOOD CAUSE EXISTS AND WITHDRAWAL CAN
BE ACCOMPLISHED WITHOUT MATERIAL ADVERSE EFFECT**

As set forth in the Declaration of Ryan A. Hamilton, the undersigned has good cause to withdraw as counsel of record under NPRC 1.16. NPRC 1.16 provides, in relevant part:

(b) Except as stated in paragraph (c), a lawyer may withdraw from representing a client if:

(1) Withdrawal can be accomplished without material adverse effect on the interests of the client;

...

(4) A client insists upon taking action that the lawyer considers repugnant or with which the lawyer has fundamental disagreement;

...

(6) The representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or

...

(7) Other good cause for withdrawal exists.

NV ST RPC Rule 1.16(b).

Here, good cause for withdrawal exists under provisions 1, 4, 6, and 7 of NPRC 1.16(b). Counsel and client have a fundamental disagreement about the representation in this case that prevents client from obtaining the relief he seeks in this case. This disagreement prevents the undersigned from representing the plaintiff effectively and in the manner which plaintiff desires. Because of the ample time left to conduct discovery and further prepare this case for trial or other resolution, the undersigned believes that his withdrawal will not delay proceedings in this matter.

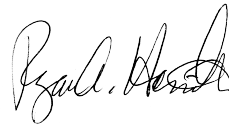
As set forth in the above declaration, withdrawal will not result have a material adverse effect on the interests of the plaintiff. The undersigned will take all necessary steps to protect the client's interests during the pendency of this Motion. Further, the undersigned will preserve key

1 evidence in the case, including without limitation, explanted pieces of the metal fixation plate that
2 is the product at issue in this product liability case until the plaintiff retains new counsel.

3 Further, given the severity of the plaintiff's damages and the prospect of a large recovery
4 in the case, the undersigned believes the plaintiff should have little trouble retaining new counsel.
5 Plaintiff's three adult daughters will no doubt be able to help the plaintiff in locating new counsel
6 and the undersigned is happy to assist in that process.

7 For all these reasons, the undersigned respectfully moves the Court to grant this Motion to
8 Withdraw as Attorney of Record.

9 Dated this 9th day of July, 2014


10 

11 _____
12 Ryan A. Hamilton, Esq.

13
14 **CERTIFICATE OF SERVICE**

15 I certify that on July 9, 2014, I filed the foregoing *Motion to Withdraw as Attorney of*
16 *Record* via the Court's CM/ECF system which will send a copy to the following:

17
18 Jay Schuttart
19 Morgan T. Petrelli
20 SNELL & WILMER, LLP
3883 Howard Hughes Pkwy., Ste. 1100
Las Vegas, NV 89169

21 

22 _____
23 Employee of Hamilton Law
24
25